

ORDINANCE NO. 2030

AN ORDINANCE adopting regulations for the design, construction, and installation of electrical transmission and distribution facilities.

WHEREAS, the City of Camas has heretofore formed an ad hoc committee to study concerns relating to electromagnetic fields generated by electrical facilities, and

WHEREAS, the ad hoc committee was comprised of a City Council member, the Public Works Director, representatives from Clark Public Utilities and PacifiCorp, the Camas School District Superintendent, and a community member, and

WHEREAS, the ad hoc committee has had numerous meetings between December 12, 1994, and April 17, 1995, and

WHEREAS, the ad hoc committee has maintained a record of its proceedings, including minutes of its meetings, copies of written correspondence directed to the committee, and copies of various materials considered by the committee, which record is contained in a bound volume entitled "City of Camas EMF Proceedings 1995", and

WHEREAS, the committee has issued its majority and minority recommendations which have resulted in the preparation of this ordinance, and

WHEREAS, this ordinance has been reviewed under the applicable provisions of the State Environmental Policy Act, Chapter 43.21C, Revised Code of Washington, and

WHEREAS, this ordinance has been considered at public hearings before both the Planning Commission and the City Council of the City of Camas,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMAS as follows:

Section I

FINDINGS

The City Council makes the following findings:

1. There is a need for adequate electric power facilities to serve existing uses and to supply anticipated growth.
2. Electrical facilities generate electric and magnetic fields.
3. While there is scientific evidence that suggests exposure to electric and/or magnetic fields may have adverse health effects, including increased risk of cancer and

leukemia, the scientific community has not reached a definitive conclusion. Existing studies have not been able to categorically establish or eliminate any connection between electromagnetic fields and such health risk.

4. Overhead electric transmission lines may negatively impact real property values due to both undesirable aesthetic effects and to public concerns over health-related risk associated with electrical transmission lines.

5. The potential negative impact on property values and the exposure to electromagnetic fields may be eliminated or greatly reduced by utilization of prudent avoidance measures.

6. Emanation of electromagnetic fields from electrical transmission facilities on abutting property may constitute an involuntary imposition of risk on those who reside, work, attend school, or otherwise occupy or use such abutting property.

7. It has been determined that exposure to electrical fields should be a factor considered when developing land, and target levels to minimize exposure should, where reasonable, not exceed four (4) milligauss for magnetic fields and 1.6 kilovolts per meter for electrical fields.

8. It is an appropriate exercise of the police power to adopt regulations designed to eliminate or minimize health and safety risk, to preserve property values, and to promote the general welfare by enhancing the livability of the community.

Section II

1

DEFINITIONS

1. "Electrical distribution line" shall mean an electrical power line with a rated voltage of less than 55 kilovolts.

2. "Electrical transmission facility" shall mean an electrical power line or power substation with a rated voltage of 55 kilovolts or greater.

3. "Electrical transmission line" shall mean an electrical power line with a rated voltage of 55 kilovolts or greater.

4. "Facility boundaries" shall mean the exterior boundaries of the property upon which an electrical transmission facility is located, and shall include but not be limited to easements, rights-of-way, and fee ownership.

5. "Gauss" shall mean a unit used to measure magnetic induction or intensity which is equal to one line of magnetic force per square centimeter.

6. "Kilovolt" shall mean 1,000 volts (kV).

7. "Milligauss" shall mean one thousandth of a gauss (mG).

8. "Prudent avoidance" shall refer to those practices and standards which serve to minimize exposure to electrical and magnetic fields, and include but are not limited to purchasing additional right-of-way, altering line configuration, selection of alternative routes, utilizing capacity in existing transmission facilities, underground, shielding, public education, research and testing, and discouraging siting near sensitive areas and structures.

9. "Sensitive use area" shall mean those parks, developed recreational areas, and other places designed for prolonged human presence.

10. "Sensitive use structures" shall mean those structures in which regular, frequent, and prolonged human presence would be expected, and shall include but not be limited to residential dwellings, schools, day care centers, hospitals, and homes for the aged.

11. "Utility" shall mean any entity proposing to install electrical transmission or distribution facilities.

12. "Volt" shall mean a unit of electromotor force which will cause a current of one (1) ampere to flow through a resistance of one (1) ohm.

Section III

APPLICABILITY

The provisions of this chapter shall apply to all electrical transmission facilities and electric distribution lines installed, constructed, or erected from and after July 24, 1995. This chapter shall not apply to any existing electrical transmission facilities and electrical distribution lines nor to the repair, upgrade, minor relocation, and maintenance of any such existing facilities.

Section IV

ELECTRICAL DISTRIBUTION LINES

All electrical distribution lines located within a residential area shall be installed underground, and shall utilize prudent avoidance measures to minimize exposure to electrical magnetic fields. Electrical distribution lines may be installed above ground on collector and arterial level streets. Overhead installations shall utilize prudent avoidance measures to minimize exposure to electrical magnetic fields.

Section V

ELECTRICAL TRANSMISSION FACILITIES/CONDITIONAL USE PERMIT

A. Permit Required. No person, firm, corporation, or other entity shall construct, install, erect, or cause to be constructed, installed, or erected any electrical transmission facility without first obtaining a conditional use permit from the City.

B. Application. An application for a conditional use permit under this chapter shall be on a form provided by the Public Works Director, and shall include the name and address of the applicant, the nature of the proposed electrical transmission facility, the location of the proposed electrical transmission facility, the existing facility's boundary, the proposed method of construction, installation, or erection of the electrical transmission facility, and such other information as may be required by the Public Works Director

C. Overhead Transmission Usage. All electrical transmission lines shall be installed underground in all zones except the Manufacturing district and Light Industrial/Country Tech district, unless the City Council finds that exposure to electrical magnetic fields and adverse impact to land value and aesthetics can be reasonably mitigated by prudent avoidance measures. Use of overhead power should consider, among other factors, facility size, location, setback, topography, scheduling, cost, sensitive lands, land value, and proximity to children and schools.

D. SEPA. All applications shall be accompanied with a SEPA checklist, and to the extent required, any impact studies.

E. Fee. All applications shall be accompanied by a fee of \$400.00.

Section VI

PROVISIONS APPLICABLE TO ALL ELECTRICAL
TRANSMISSION FACILITIES

A. Prudent Avoidance Measures. All electrical transmission facilities shall be designed, constructed, and operated using prudent avoidance measures to minimize exposure to electromagnetic fields, to preserve land values, and to satisfy the other requirements of this chapter. Further, the applicants shall identify the 4 mG magnetic field line associated with the proposed installation. The mG contour line shall be identified as the line coinciding with normal winter loading which shall be further defined as being 80% of the line's rated peak capacity.

B. Noise Levels. Noise levels generated by electric transmission facilities shall comply with Washington state law as set forth in WAC 173-60.

Section VII

SETBACKS FOR CHILD INTENSIVE LOCATIONS

Special consideration shall be given to facilities where children assemble. Such areas shall include but not be limited to schools, churches, day cares, and playgrounds. Such areas shall be set back in accordance with the following table:

1. 100 feet from edge of easement for 50 - 133 kilovolt line.
2. 150 feet from edge of easement for 220 - 230 kilovolt line.
3. 350 feet from edge of easement for 500 - 550 kilovolt line.

Section VIII

SENSITIVE USE STRUCTURES

Sensitive use structures should be setback from the facility to minimize exposure. All proposed subdivisions shall identify the location of any electrical transmission facilities on or adjacent to the property being subdivided, and if applicable, shall identify on the plat map the setback from any such electrical transmission facility.

Section IX

SENSITIVE USE AREAS

Electrical transmission facilities should not, where practical alternatives exist, be located within any sensitive use area.

Section X

ENFORCEMENT

Violation of this section shall be considered a nuisance and shall be enforced in accordance with Chapter 18.80 of the Camas Municipal Code, which reads as follows:

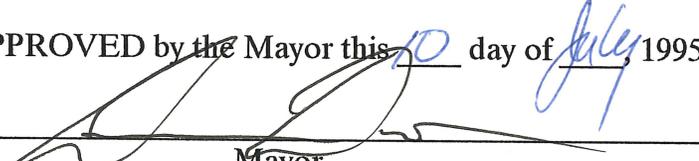
18.80.010, Compliance. No building, structure or premises shall hereafter be used or occupied and no building or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this code. (Prior code § 11.04.040).

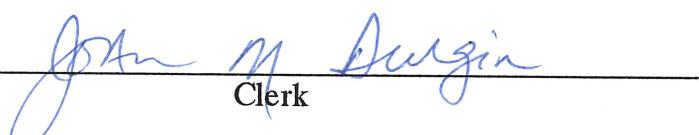
18.80.020, Nuisance. Any use of property contrary to the provisions of the zoning code of the city is declared to be a public nuisance and may be abated by appropriate action filed in the Clark County superior court. (Prior code § 11.04.100).

18.80.030, Violation - Penalty. Any person violating any of the provisions of this code shall, upon conviction thereof, be punished by imprisonment in the city jail for not to exceed ninety days, or by a fine not to exceed three hundred dollars, or both. Every person violating any provision of this code shall be deemed guilty of separate offense of each day during which such violation continues. (Prior code § 11.04.090).

This ordinance shall take force and be in effect from and after July 24, 1995, and shall be published according to law.

PASSED by the Council and APPROVED by the Mayor this 10 day of July, 1995.

SIGNED: 
Mayor

ATTEST: 
Clerk

APPROVED as to form:

City Attorney

Affidavit of Publication

STATE OF WASHINGTON)
 COUNTY OF CLARK)

I, Michael Gallagher, being first duly sworn, depose and say that I am the owner, editor, publisher of The Post-Record, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publication hereinafter to, published in the English language continuously as a weekly newspaper in Camas, Clark County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication

of said newspaper, that the ORDINANCE NO. 2030

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for one successive and consecutive weeks in the following issues;

- Issue date July 18, 1995
- Issue date _____

The fee charged for the above publication was:

\$ 207.67

Michael J. Gallagher
 Publisher

Subscribed and sworn to before me this 26th

day of July, 19 95

Beverly J. Webster
 Notary Public in and for the
 State of Washington,
 Residing at Camas, Washington

CITY OF CAMAS
 AUG 14 1995
 PAID

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A. Prudent Avoidance Measures. All elec-

PUBLICATION

THE FOLLOWING PUBLICATION:

ORDINANCE NO.
RESOLUTION NO.
NOTICE

2030

WAS RECEIVED BY THE POST RECORD ON

1/12/95

DATE

AT

11:10

TIME

FOR PUBLICATION

1/18/95

DATE

SIGNITURE OF PERSON RECEIVING PUBLICATION:

Bew Webster

Joan

*Copies to: Council
Dept. Heads*

3280 NW 2nd Ave.
Camas, Wa. 98607

July 19, 1995

RECEIVED
JUL 20 1995
MAYOR'S OFFICE

Honorable Mayor Dean Dossett
Members of the Camas city council
616 NE 4th Ave.
Camas, Wa 98607

Dear Mayor and Council Members:

We write this to thank the members of the Council for your acceptance of the power line ordinance at the July 10th meeting.

We are concerned, however, about the blind obeisance to the great God "GROWTH" on the part of at least some of the members. One member spoke at length of the threat to, among other things, the "livability and quality of life" in our community if industries were discouraged by questions of power supply.

We enclose two articles from the July 13th Oregonian that state our viewpoints perfectly. Authors Eben Fodor and Howard Appling Jr. appear to be well qualified to discuss the issues of growth and industry recruitment.

We also enclose a chart showing our own property tax experience since 1980. Property assessed valuation has had a phantom increase of 69% in five years alone, and actual taxes have increased 89% in five years and 261% since 1980. You will agree that this is a bit higher than inflation rate. This despite several new industries and hundreds of new homes, some in the multi-million dollar value. We believe that these figures demonstrate the futility of expecting tax relief by "widening the tax base".

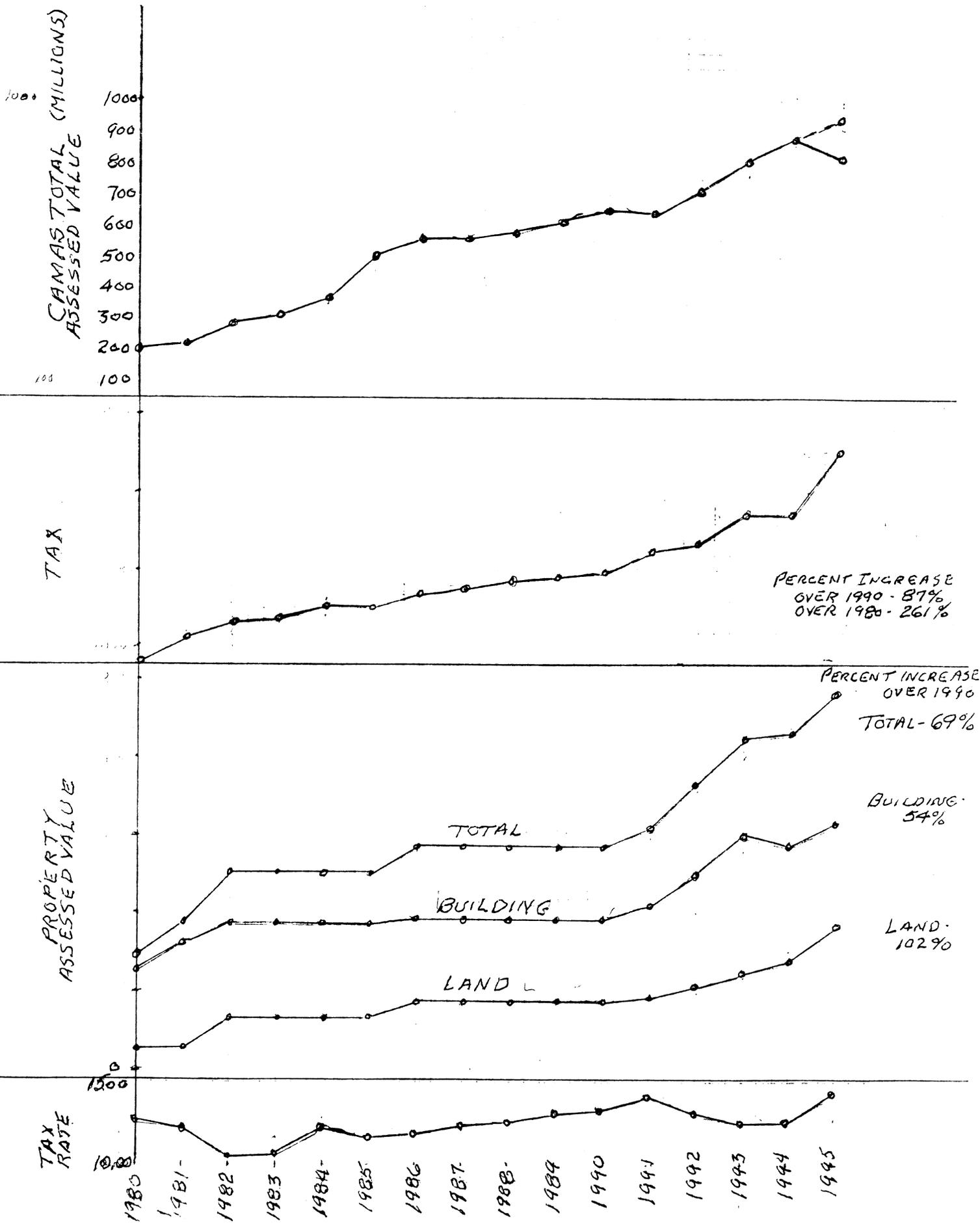
We realize that industry in the city is better than in the county. However, we ask that our Council members change their perspective a bit and realize that "growth" and "quality of life" are opposite concepts. We heartily agree with Mr. Appling in one of his closing statements, "--growth will come naturally, and if we'd just leave it alone, we'd be better off for letting it happen."

Sincerely

*Charles T. Beals
Charles T. Beals*

Encl.(3)

ONE CITIZEN'S TAX EXPERIENCE



Tax breaks to business

THE OREGONIAN JULY 13, 1995

By EBEN V. FODOR

The tax subsidies being offered to Sony, Intel and now Hyundai are renewing concerns about whether our economic development programs are really good public policy.

A recent study on tax incentives done for the Oregon Department of Economic Development finds "little evidence that they are effective in promoting economic development." Even when tax incentives manage to stimulate economic development, they tend to "generate a net fiscal drain when viewed from the state as a whole."

It's usually with the best intentions that cities, counties and states seek to reduce unemployment through economic development programs. Proponents of economic development programs talk about all the money that will be brought into the community and the famous "multiplier effect" that will cause this prosperity to be amplified two- or three-fold.

The trouble with traditional economic development programs is that they are built mostly on empty promises. They frequently fail to deliver any net public benefit. They leave costly and undesirable side effects. And they are unlikely to have the desired impact on employment.

The first mistake is that we are dealing with a national labor market, not a local one. This national labor pool is very mobile and the resumes of Oregonians must compete with those of Californians and New Yorkers. The most qualified people will get the jobs, not the most needy.

But how about all the prosperity that flows into the communities when all those newly employed people spend their new paychecks buying goods from local stores?

Studies show that cities with faster growth rates do not have lower unemployment rates than slow-growing cities. The likely explanation is that job expectations often exceed actual prospects.

News of a new Sony plant in Springfield resulted in 5,000 job applications before the company even started hiring. This ferocious appetite for jobs illustrates why boomtown prosperity is so ephemeral — boomtowns attract more people than there are jobs to fill.

Thus, the net result of traditional economic development programs is to stimulate and subsidize large, unwanted population growth.

New growth creates a demand for expensive public infrastructure — roads, sewers, water, power, new schools and police and fire protection facilities. Environmental quality standards, such as clean air and water, congestion, and other baggage that goes along with growth.

Seldom are these costs calculated or even mentioned in the economic development schemes sold to the public. A thorough cost-benefit analysis should accompany all major expenditures of public funds in this area. The cost of the tax subsidy and the impact of growth should be weighed against the direct benefit to existing residents.

In spite of the many pitfalls to economic development, there are some positive measures we can take to improve local employment without subsidizing private corporations and without unduly stimulating unwanted growth:

- Local governments should have a policy of filling job openings from their own local labor market before searching elsewhere.

State agencies, such as the Department of Environmental Quality, advertise across the country for job openings that could easily be filled by talented people here. In a recent job listing the DEQ stated, "Oregon is beautiful state with mountains, ocean beaches, lakes, rivers, forest



(c) JOHN MacDONALD

high deserts, farmlands and livable cities... with many recreational opportunities... as well as arts and entertainment." Thank DEQ, now everybody knows.

- Local governments could offer a 5-point preference for hiring local contractors.

Lane County, for example, gave away \$185,000 in economic development funds last year to create local jobs. It expected to pay \$10,000 to \$15,000 per new job. At the same time, the county made no effort to award any of its millions of dollars in contracts to local firms.

If local governments are absolutely unable to resist the temptation to spend money on economic development, they should follow one simple rule: All assistance should go to new and existing, locally owned small businesses.

Here's why: 92 percent of all new jobs created in the United States come from small businesses with fewer than 20 employees. Historically, 70 percent to 75 percent of new jobs come from the births of new businesses (the remainder coming from expansion of existing businesses). And virtually all the new jobs created in Oregon during the late 1980s originated from businesses owned within the state.

We clearly need to justify any economic development proposal based on a demonstrable net public benefit. Failing this, the proposal should be rejected.

Eben Fodor is a Eugene planning consultant and president of Friends of Eugene, a nonprofit organization working to promote the community. Mail to the author in response to this column can be sent in care of the op-ed page at The Oregonian, 1320 S.W. Broadway, Portland 97201.

es primarily subsidize growth

THE OREGONIAN JULY 13, 1995

FIRST THING IS TO GET THE GOVERNMENT OFF THE BACK OF BUSINESS.



JANZGER

The Christian Science Monitor
Los Angeles Times Syndicate

Congress should force tax temperance

by HOWELL APPLING JR.

The efforts of Sumitomo Sitix Corp. to persuade Yamhill County to give it a tax exemption as an inducement to build a plant in Newberg could be likened to an alcoholic sitting round a bar, trying to mooch a free drink from the paying customers. The Yamhill county folks, bless them, opted to impose ostinence.

Let me try to put what is going on in our nationwide industry-luring frenzy in perspective.

When I was a boy growing up in Beaverton, Texas, during the Depression, the beer taverns were hard-pressed for business. A clever tavern owner conceived the idea of giving a free lunch with a glass of beer — hard-boiled eggs, potato salad, ham on rye, you name it.

He did a booming business for awhile until his competitors, in self defense, were compelled to do the same thing. Then they were all right back where they started, only worse off.

History repeats itself. During the 1950s, John Mitchell, a New York bond attorney better known as the hapless husband of Martha, conceived the same idea on behalf of South Carolina's drive for industrial de-

IN MY OPINION

velopment. What we'll do, he said to them, is give free land, tax abatements, tax-exempt bonds and other such hard-boiled eggs and ham on rye.

It worked! Industrialists fell all over themselves in their rush to get to South Carolina to build new plants and eat the free lunch.

Now all 50 states give free lunches. Now all are right back where they started, only worse off. Every state's tax base has been eroded, and the state's economic growth is stunted.

The corporations are playing one state against the other. That's why, when I was a member of Gov. Vic Atiyeh's Committee on Bonded Indebtedness, I urged that we petition the Congress to forbid this insidious practice. Nothing happened.

There is a further point to be considered. Is tax-subsidized growth good for a state, considering its price? States are competing for it now.

When I was secretary of state, I opposed those then promoting forced industrial growth. My research premise was that freed of the economic distortions of tax sub-

sidies, industry will locate where it has natural advantages, where it ought to locate. That, I insisted, would advance our competitiveness as a nation, a matter of some importance today. I still think so.

So why don't we have faith in the natural workings of our economic system and remember that Oregon has spawned more innovative new businesses than almost anybody else? Oregon's growth will come naturally, and if we'd just leave it alone, we'd be better off than we are now.

In the meanwhile, why don't we devote ourselves to pressing Congress to assure every state a level playing field without the fratricide that now costs every state and injects a distorting element into basic economic decisions?

Do I dare venture an updated state motto? Come and visit, even stay, but don't expect us to pay your taxes.

Howell Appling Jr., of Beaverton was Oregon secretary of state as a Republican from 1959 to 1965. Mail to the author in response to this column can be sent in care of the op-ed page at The Oregonian, 1230 S.W. Broadway, Portland 97201.